



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,046	02/20/2004	Claude Mathieu	8932-823-999	6834
20583	7590	08/08/2007	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			PELLEGRINO, BRIAN E	
		ART UNIT	PAPER NUMBER	
		3738		
		MAIL DATE	DELIVERY MODE	
		08/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION***Response to Amendment***

The Examiner would like to note that the response submitted 5/7/07 was never seen by the Patent Examiner since it is first viewed by the LIE and not the patent examiner. If the Patent Examiner had reviewed the amendment, a notice that it was non-responsive would have been included with it. The Patent Examiner has viewed the reply now filed on 5/25/07 and determined it is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the new limitations in claims 33 and 60 include features (the coupling portion of the halves are sized and configured to be elastically deformable) are directed to a non-elected specie (Specie IV). See 37 CFR 1.111. Applicant has failed to specifically point out the support in the original disclosure for each of the newly presented claim limitations, i.e. "elastically deformable coupling portion" (M.P.E.P. 714.02). It is not clear in the specification that the elected embodiment is enabled to include this feature. The Examiner found a description on page 7, line 13 describing Fig. 4 as including the elastically deformable coupling portion. Because of the procedure outlined in M.P.E.P. 2163.06 for interpreting the claims, it is noted that other art may be applicable under 35 U.S.C. 102 or 35 U.S.C. 103(a) once the aforementioned problem under 35 U.S.C. 112, first paragraph, is corrected. Amendments presenting only claims drawn to the nonelected specie are not entered. This amendment is thus nonresponsive. Applicant is directed to MPEP § 714.03 and § 714.05. See MPEP § 821.03.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Pellegrino whose telephone number is 571-272-4756. The examiner can normally be reached on M-Fr (8:30am-5pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TC 3700, AU 3738

Brian Pellegrino

BRIAN E. PELLEGRINO
PRIMARY EXAMINER